

# CONLEY ROSE

A Professional Corporation

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INTELLECTUAL PROPERTY LAW  
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Writer's Direct Dial: (972) 731-2299  
rcarroll@dfw.conleyrose.com

October 11, 2007

Office of Finance  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Request for Refund  
U.S. Patent Application Serial No. 10/783,429  
Our File: CHPH 210453US01 (4081-04401)

Dear Sirs:

We filed a Request for Continued Examination on September 19, 2007 and a fee of \$790.00 was charged to our Deposit Account on September 20, 2007 for such submission.

The Request for Continued Examination was filed erroneously on our part. Enclosed are copies of our September 2007 Deposit Account Statement excerpt and the Notice of Improper Request for Continued Examination dated September 24, 2007 for your ease of reference.

We are therefore requesting the refund of the charge of \$790.00 to be credited to our Deposit Account 50-1515, Conley Rose, P.C.

Should you have any questions, please do not hesitate to let us know.

Sincerely,

CONLEY ROSE, P.C.



Rodney B. Carroll

Enclosure



**United States  
Patent and  
Trademark Office**



**Deposit Account Statement**

**Requested Statement Month:** September 2007  
**Deposit Account Number:** 501515  
**Name:** CONLEY ROSE PC  
**Attention:** SCOT SHIELD  
**Street Address 1:** 5700 GRANITE PARKWAY, SUITE 330  
**Street Address 2:**  
**City:** PLANO  
**State:** TX  
**Zip:** 75024  
**Country:** UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT
09/20	2571	10783429	210453US01 (4081-04401)	1801	\$790.00



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

RECEIVED  
9/26/07

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,429	02/20/2004	Ronald D. Knudsen	210453US01 (4081-04401)	6369

37814 7590 09/24/2007  
CHEVRON PHILLIPS CHEMICAL COMPANY  
5601 Granite Parkway, Suite 750  
PLANO, TX 75024

EXAMINER

MCDONOUGH, JAMES B

ART UNIT PAPER NUMBER

1755

MAIL DATE DELIVERY MODE

09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

10783429



Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov  
ATTY. DOCKET NO./TITLE

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

## NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 9-19-07 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☒ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Examiner Group

TC, 1700

(703) 305-272-1033

FORM PTO-2051 (Rev. 3/2001)